

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

JOHN DOE,)
)
Plaintiff,)
)
v.) Case No.: 1:24-cv-00181VAED
)
)
JOHN M. BURKMAN JR.)
(AKA JACK BURKMAN),)
)
JACOB WOHL, and)
)
JM BURKMAN & ASSOCIATES, LLC,)
)
Defendants.)

**PLAINTIFF'S RESPONSE TO DEFENDANTS' NOTICE OF EXHIBIT (ECF NO. 25)
IN SUPPORT OF THEIR OPPOSITION TO
PLAINTIFF'S MOTION FOR LEAVE TO
PROCEED UNDER A PSEUDONYM (ECF No. 2)**

Plaintiff, through undersigned counsel, respectfully submits this Response to clarify three issues in relation to Defendants' Notice of Exhibit (ECF No. 25), regarding the hearing held before the Arlington General District Court on Plaintiff's request to continue the protective order that was issued by that Court on July 7, 2022.

First, at the conclusion of the hearing on July 3, 2024, Arlington General District Court Judge Rucker, in response to inquiry from Plaintiff's counsel in relation to the issue of confidentiality, advised that the entire file of the General District Court on the matter would continue to be sealed. To verify this, on July 26, 2024, undersigned counsel called the Clerk's Office for the Arlington General District Court. The representative within the Clerk's office verified during this call that the cases relating to the protective orders against Defendants Wohl and Burkman remain sealed and she further confirmed that if someone other than a party or

counsel for a party thereto asked to review the case file and get a copy of a document from such, they would not be able to do so. As a result, while it is accurate to say that Judge Rucker's Order is a "public record" (as described in Defendants' Notice), it is more accurately characterized as a public record that is under seal.

Second, while the courtroom was not sealed when Judge Rucker heard Plaintiff's request to continue the protective order, to our knowledge, the only persons present therein were Judge Rucker, the courtroom clerks, one or two deputy marshals, a court reporter, counsel for Plaintiff and Plaintiff and Plaintiff's spouse, counsel for Defendants and Defendants, and three persons who were identified as interns or law clerks from the office of Defendants' counsel. To our knowledge, no one else was in the courtroom while the matter was heard.

Finally, while Plaintiff used his proper name in the filing for his request to continue the protective order, the false and defamatory statements used against him by the Defendants, which are at issue in this case, were not set forth in detail in the request and related papers that were filed.

Respectfully Submitted,

/s/ John B. Flood

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CERTIFICATE OF SERVICE

I certify that on July 26, 2024, a copy of the foregoing was served upon the following persons using the Court's ECF system:

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